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January 6, 2021

Comments on RGGI Operating Plan Amendment 2021

With the enactment of Chapter 106 of the Laws of 2019, the Climate Leadership and Community Protection Act (CLCPA), the State took an important step forward in addressing climate change, adopting some of the most stringent climate goals in the nation. Another of the most important components of that landmark legislation was the language found in section 75-0117 of the Environmental Conservation Law. That section states

“State agencies, authorities and entities, in consultation with the environmental justice working group and the climate action council, shall, to the extent practicable, invest or direct available and relevant programmatic resources in a manner designed to achieve a goal for disadvantaged communities to receive forty percent of overall benefits of spending on clean energy and energy efficiency programs, projects or investments in the areas of housing, workforce development, pollution reduction, low income energy assistance, energy, transportation and economic development, provided however, that disadvantaged communities shall receive no less than thirty-five percent of the overall benefits of spending on clean energy and energy efficiency programs, projects or investments and provided further that this section shall not alter funds already contracted or committed as of the effective date of this section.”

I am pleased to see the Department of Environmental Conservation (DEC) and the New York State Energy Research and Development Authority (NYSERDA) are endeavoring to deliver on this important criterion. Making good on that goal of “forty percent of overall benefits of spending” and delivering those benefits to the communities that need them most is of the utmost importance. As such, it is critical to commit fully to a system of ongoing monitoring in order to ensure that these benefits and spending are appropriate for and fully realized within the communities for which they have been designed. This means ensuring that there is ongoing outreach and engagement with disadvantaged communities. After all, they know best what will most benefit their communities. In addition, it means that these goals, which are currently just lines on a spreadsheet, need to become fully realized projects and benefits for communities.

While the draft Operating Plan Amendment for 2021 describes laudable programs that are sure to advance CLCPA goals, it is unclear what contingency measures are in place should these initial plans falter or require adjustment during the year. More specifically, if the described projects are not ready on time, what mechanisms would be in place to ensure that the CLCPA’s 40 percent goals are met in a timely fashion? Annual, rather than multi-year spending tracking would best facilitate this process, with criteria in place to ensure that if benefits are not being realized as projected, the program’s criteria are revised to facilitate such utilization. It would also be useful to understand and identify whether or not alternative programs been considered or earmarked for implementation as options if the operating definition of “Disadvantaged Community” is changed in the weeks and months to come and the currently proposed projects do not meet those criteria.

I am interested in gaining a deeper understanding of a few other components of the Amendment, specifically, the manner in which benefit percentages were calculated for Electric Vehicle and Solar programs. How did NYSERDA determine that 15% of the benefits from the Charge NY program will be delivered to disadvantaged communities, and the same for the determination that 35% of the benefits of the NY SUN NYPA customer incentives will be achieved within those same communities?

Further, I am interested to know more about the repurposed \$40 million that was previously approved for Long Island Power Authority (LIPA) storage projects. It is stated in the Amendment that LIPA has agreed to procure 200 megawatts of bulk storage or non-wires alternatives storage, but will that procurement in any way impact the achievement of CLCPA storage goals? Which previously approved projects are being replaced? What types of non-wires alternatives are being considered by LIPA, and how will their impact be felt on the Island? It would also be helpful to know more about the energy efficiency projects proposed as a substitute, including what types of projects would be included and which communities would benefit. In any event, an explanation for the rationale behind the repurposing of the \$40 million is in order.

I look forward to the continued efforts of both the DEC and NYSERDA in the delivery of real, palpable program and spending benefits for the most vulnerable communities. Finally, I would like to emphasize the importance of clear and accessible community outreach and involvement throughout the project and funding processes. For intended benefits to be fully realized, it is imperative that community members and leaders are engaged at every step of the way. This means making resources and information readily available and encouraging participation.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Steve Englebright". The signature is written in a cursive, flowing style.

Steve Englebright, Chairman,
NYS Assembly, Environmental Conservation Committee